

PUBLIC MATTER

FILED

OCT 17 2008

STATE BAR COURT CLERK'S OFFICE  
SAN FRANCISCO

1 THE STATE BAR OF CALIFORNIA  
2 OFFICE OF THE CHIEF TRIAL COUNSEL  
3 SCOTT J. DREXEL, No. 65670  
4 CHIEF TRIAL COUNSEL  
5 RUSSELL G. WEINER, No. 94504  
6 DEPUTY CHIEF TRIAL COUNSEL  
7 LAWRENCE J. DAL CERRO, No. 104342  
8 ASSISTANT CHIEF TRIAL COUNSEL  
9 ALLEN BLUMENTHAL, No. 110243  
10 SUPERVISING TRIAL COUNSEL  
11 ROBIN BRUNE, No. 149481  
12 DEPUTY TRIAL COUNSEL  
13 TREVA STEWART, No. 239829  
14 ASSIGNED DEPUTY TRIAL COUNSEL  
15 180 Howard Street  
16 San Francisco, California 94105  
17 Telephone: (415) 538-2218

11 THE STATE BAR COURT

12 HEARING DEPARTMENT - SAN FRANCISCO

14 In the Matter of ) Case No.: 08-O-11900  
15 LOUIS J. PERKINS, )  
16 No. 140056 ) NOTICE OF DISCIPLINARY CHARGES  
17 A Member of the State Bar. )

18 **NOTICE - FAILURE TO RESPOND!**

19 IF YOU FAIL TO FILE AN ANSWER TO THIS NOTICE WITHIN THE  
20 TIME ALLOWED BY STATE BAR RULES, INCLUDING EXTENSIONS, OR  
21 IF YOU FAIL TO APPEAR AT THE STATE BAR COURT TRIAL, (1) YOUR  
22 DEFAULT SHALL BE ENTERED, (2) YOU SHALL BE ENROLLED AS AN  
23 INACTIVE MEMBER OF THE STATE BAR AND WILL NOT BE  
24 PERMITTED TO PRACTICE LAW UNLESS THE DEFAULT IS SET ASIDE  
25 ON MOTION TIMELY MADE UNDER THE RULES OF PROCEDURE OF  
26 THE STATE BAR, (3) YOU SHALL NOT BE PERMITTED TO  
27 PARTICIPATE FURTHER IN THESE PROCEEDINGS UNLESS YOUR  
28 DEFAULT IS SET ASIDE, AND (4) YOU SHALL BE SUBJECT TO  
ADDITIONAL DISCIPLINE.

STATE BAR RULES REQUIRE YOU TO FILE YOUR WRITTEN  
RESPONSE TO THIS NOTICE WITHIN TWENTY DAYS AFTER SERVICE.

IF YOUR DEFAULT IS ENTERED AND THE DISCIPLINE IMPOSED BY  
THE SUPREME COURT IN THIS PROCEEDING INCLUDES A PERIOD OF  
ACTUAL SUSPENSION, YOU WILL REMAIN SUSPENDED FROM THE  
PRACTICE OF LAW FOR AT LEAST THE PERIOD OF TIME SPECIFIED  
BY THE SUPREME COURT. IN ADDITION, THE ACTUAL SUSPENSION

1 WILL CONTINUE UNTIL YOU HAVE REQUESTED, AND THE STATE  
2 BAR COURT HAS GRANTED, A MOTION FOR TERMINATION OF THE  
3 ACTUAL SUSPENSION. AS A CONDITION FOR TERMINATING THE  
4 ACTUAL SUSPENSION, THE STATE BAR COURT MAY PLACE YOU ON  
5 PROBATION AND REQUIRE YOU TO COMPLY WITH SUCH  
6 CONDITIONS OF PROBATION AS THE STATE BAR COURT DEEMS  
7 APPROPRIATE. SEE RULE 205, RULES OF PROCEDURE FOR STATE  
8 BAR COURT PROCEEDINGS.

9 The State Bar of California alleges:

10 JURISDICTION

11 1. Louis J. Perkins ("Respondent") was admitted to the practice of law in the State  
12 of California on June 6, 1989, was a member at all times pertinent to these charges, and is  
13 currently a member of the State Bar of California.

14 COUNT ONE

15 Case No. 07-O-14812  
16 Rules of Professional Conduct, rule 4-100(A)  
17 [Commingling Personal Funds in Client Trust Account]

18 2. Respondent wilfully violated Rules of Professional Conduct, rule 4-100(A), by  
19 depositing or commingling funds belonging to Respondent in a bank account labeled "Trust  
20 Account," "Client's Funds Account" or words of similar import, as follows:

21 3. During at least from March, 2008 to the present, respondent maintained an  
22 attorney-client trust account, account number #X-XXX-XXX-2179<sup>1</sup> at U.S. Bank (hereinafter,  
23 "CTA account"). On or about March 13, 2008, U.S. Bank notified the State Bar of two  
24 insufficient funds (hereinafter, "NSF") transactions in respondent's attorney-client trust account.

25 4. On or before March 6, 2008, respondent issued the following checks when there  
26 were insufficient funds in the account to cover these checks:

| <u>Date</u> <sup>2</sup> | <u>Check Number</u> | <u>Amount</u> | <u>Balance</u> <sup>3</sup> | <u>Payee</u> |
|--------------------------|---------------------|---------------|-----------------------------|--------------|
| 3/06/08                  | 1266                | \$161.57      | - 99.35                     | A T & T      |
| 3/06/08                  | 1263                | \$29.10       | -99.35                      | FedEx        |

27 <sup>1</sup> The full account number has been redacted due to concern about theft.

28 <sup>2</sup> This is the date that the check was presented for payment.

<sup>3</sup> The balance in respondent's CTA account when the check was presented for payment.

1           5.       On or about March 10, 2008, U.S. Bank notified respondent, in writing, of the  
2 NSF transaction. U.S. Bank covered the NSF transactions for respondent, but notified  
3 respondent of an \$8.00 per day overdraft fee. U.S. Bank sent respondent the NSF transaction  
4 notice to him at 3353 Bradshaw Road, Suite 232, Sacramento, California 95827.

5           6.       Respondent received the notice and was aware of its contents.

6           7.       On or about March 7, 2008, respondent deposited a check for \$1,338.02 into his  
7 CTA account. This check was issued to Louis J. Perkins, Esq. from Jan Johnson, Chapter 13  
8 Trustee, reference Debtor Peter Skillman. The funds from this deposit covered the NSF  
9 transactions of March 3, 2006.

10          8.       The State Bar subpoenaed a portion of respondents CTA account, including  
11 statements from January 2, 2008 through July 31, 2008, with deposits and withdrawals that  
12 included additional records from December, 2007. A review of the records subpoenaed revealed  
13 that respondent was issuing funds for personal items from his CTA account, including, but not  
14 limited, to checks to the Laguna Creek 3<sup>rd</sup> Ward of the Mormon Church; to the Sacramento  
15 Municipal Utilities District ("SMUD"); Princeton Business Park; AT & T, and other non-client  
16 related expenditures, as follows:

| <u>Date</u> | <u>Check #</u> | <u>Amount</u> | <u>Payee</u>             |
|-------------|----------------|---------------|--------------------------|
| 12/29/07    | 1229           | \$ 125.00     | Premier Storage          |
| 12/11/07    | 12490          | \$ 11.94      | Pulse TV                 |
| 12/31/07    | 1247           | \$1098.00     | Princeton Business Park  |
| 12/28/07    | 1244           | \$ 173.13     | Reliable Office Supplies |
| 01/08/08    | 1158           | \$ 101.19     | SMUD                     |
| 01/31/08    |                | \$ 300.00     | State Bar of CA          |
| 02/15/08    | 1253           | \$1098.00     | Princeton Business Park  |
| 03/01/08    | 1267           | \$ 260.74     | SMUD                     |
| 03/01/08    | 1264           | \$ 187.87     | SMUD                     |
| 03/01/08    | 1265           | \$ 379.36     | AT & T                   |
| 03/01/08    | 1266           | \$ 161.57     | AT & T                   |

|   |          |      |           |                         |
|---|----------|------|-----------|-------------------------|
| 1 | 03/11/08 | 1269 | \$1098.00 | Princeton Business Park |
| 2 | 04/11/08 | 1270 | \$ 620.00 | Princeton Business Park |
| 3 | 04/20/08 | 1272 | \$ 600.00 | Laguna Creek Third Ward |
| 4 | 04/19/08 | 1275 | \$ 83.00  | DMV                     |
| 5 | 05/11/08 | 1277 | \$1098.00 | Princeton Business Park |
| 6 | 05/13/08 | 1281 | \$ 140.00 | SMUD                    |
| 7 | 06/10/08 | 1278 | \$1098.00 | Princeton Business Park |
| 8 | 07/06/08 | 1282 | \$2045.00 | Laguna Creek 3rd        |

9           9.       A review of the CTA account also revealed that there were disbursements made  
10   on behalf of clients from the account, as follows:

|    |             |              |               |                             |
|----|-------------|--------------|---------------|-----------------------------|
| 11 | <u>Date</u> | <u>Check</u> | <u>Amount</u> | <u>Notation</u>             |
| 12 | 12/31/07    | 1251         | \$299.00      | Bankruptcy Court (Lunsford) |
| 13 | 03/12/07    | 1257         | \$350.00      | refund client fee           |
| 14 | 01/28/08    | 1258         | \$299.00      | USBC (Mark)                 |

15 10. By using his CTA for personal expenditures, as demonstrated by the  
16 aforementioned transactions, respondent commingled client and personal funds in his CTA  
17 account, in wilful violation of Rules of Professional Conduct, rule 4-100(A).

COUNT TWO

Case No. 07-O-14812

Business and Professions Code, section 6106

[Moral Turpitude]

11. Respondent wilfully violated Business and Professions Code, section 6106, by committing an act involving moral turpitude, dishonesty or corruption, as follows:

12. The allegations of Count One are hereby incorporated by reference.

13. Respondent knew, or should have known, that there were insufficient funds in his account to cover the NSF transactions.

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1           14.     By issuing two checks on or before March 6, 2008, when respondent knew or  
2 should have known there would be insufficient funds to cover those transactions, respondent  
3 committed acts of moral turpitude, in wilful violation of Business and Professions Code, section  
4 6106.

5                                   COUNT THREE

6                                   Case No. 07-O-14812

7                                   Business and Professions Code, section 6068(i)  
8                                   [Failure to Cooperate in State Bar investigation]

9           15.     Respondent wilfully violated Business and Professions Code, section 6068(i), by  
10 failing to cooperate and participate in a disciplinary investigation pending against Respondent, as  
11 follows:

12           16.     The allegations of Counts One and Two are hereby incorporated by reference.

13           17.     On or about March 20, 2008, State Bar paralegal Yee Leung (hereinafter,  
14 "Leung") wrote a letter to respondent. The letter was mailed via United States Mail, postage  
15 pre-paid, to respondent at his official membership records address, maintained by the State Bar  
16 pursuant to Business and Professions Code, section 6002.1, at 3353 Bradshaw Road, Suite 232,  
17 Sacramento, California 95827. In the letter, Leung advised respondent of the NSF transactions  
18 in his CTA account and requested that respondent provide a written explanation to the State Bar.  
19 The letter was not returned as undeliverable.

20           18.     Respondent received the March 20, 2008 letter and was aware of its contents.

21           19.     Respondent did not respond to the March 20, 2008 letter or otherwise give the  
22 State Bar an explanation for the NSF transactions.

23           20.     On or about April 11, 2008, State Bar paralegal Yee Leung wrote a second letter  
24 to respondent. The letter was mailed via United States Mail, postage pre-paid, to respondent at  
25 his official membership records address, maintained by the State Bar pursuant to Business and  
26 Professions Code, section 6002.1, at 3353 Bradshaw Road, Suite 232, Sacramento, California  
27 95827. In the letter, Leung advised respondent of the prior letter. Leung advised respondent that  
28 a State Bar investigation would commence if the State Bar did not receive a full response. The  
letter was not returned as undeliverable.

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1           21.     Respondent received the April 11, 2008 letter and was aware of its contents.

2           22.     Respondent did not respond to the April 11, 2008 letter or otherwise give the  
3 State Bar an explanation for the NSF transactions.

4           23.     On or about June 3, 2008, State Bar Investigator F. Jacobs (hereinafter, "Jacobs")  
5 wrote a third letter to respondent. The letter was mailed via United States Mail, postage pre-  
6 paid, to respondent at his official membership records address, maintained by the State Bar  
7 pursuant to Business and Professions Code, section 6002.1, at 3353 Bradshaw Road, Suite 232,  
8 Sacramento, California 95827. In the letter, Jacobs requested discovery and information  
9 regarding respondent's trust account, in connection with a State Bar investigation of the NSF  
10 transactions. Jacobs requested a response no later than June 17, 2008. The letter was not  
11 returned as undeliverable.

12           24.     Respondent received the June 3, 2008 letter and was aware of its contents.

13           25.     Respondent did not respond to the June 3, 2008 letter or otherwise give the State  
14 Bar the requested discovery or explanation for the NSF transactions.

15           26.     On or about June 30, 2008, Jacobs wrote another letter to respondent. The letter  
16 was mailed via United States Mail, postage pre-paid, to respondent at his official membership  
17 records address, maintained by the State Bar pursuant to Business and Professions Code, section  
18 6002.1, at 3353 Bradshaw Road, Suite 232, Sacramento, California 95827. In the letter, Jacobs  
19 reminded respondent of her prior letter sent June 3, 2008. She advised that she has not received  
20 a response. Jacobs again requested a response to the June 3, 2008 letter, and she enclosed a copy  
21 of the June 3, 2008 letter. Jacobs requested a response no later than July 14, 2008. The letter  
22 was not returned as undeliverable.

23           27.     Respondent received the June 30, 2008 letter and was aware of its contents.

24           28.     Respondent did not respond to the June 30, 2008 letter or otherwise give the State  
25 Bar the requested discovery or explanation for the NSF transactions.

26           29.     By failing to respond to the letters of State Bar paralegal Leung and State Bar  
27 Investigator Jacobs, regarding the NSF transactions, respondent failed to cooperate and  
28

1 participate in a disciplinary investigation pending against Respondent, in wilful violation of  
2 Business and Professions Code, section 6068(i).

3 **NOTICE - INACTIVE ENROLLMENT!**

4 **YOU ARE HEREBY FURTHER NOTIFIED THAT IF THE STATE BAR**  
5 **COURT FINDS, PURSUANT TO BUSINESS AND PROFESSIONS CODE**  
6 **SECTION 6007(c), THAT YOUR CONDUCT POSES A SUBSTANTIAL**  
7 **THREAT OF HARM TO THE INTERESTS OF YOUR CLIENTS OR TO**  
8 **THE PUBLIC, YOU MAY BE INVOLUNTARILY ENROLLED AS AN**  
9 **INACTIVE MEMBER OF THE STATE BAR. YOUR INACTIVE**  
10 **ENROLLMENT WOULD BE IN ADDITION TO ANY DISCIPLINE**  
11 **RECOMMENDED BY THE COURT. SEE RULE 101(c), RULES OF**  
12 **PROCEDURE OF THE STATE BAR OF CALIFORNIA.**

13 **NOTICE- COST ASSESSMENT!**

14 **IN THE EVENT THESE PROCEDURES RESULT IN PUBLIC DISCIPLINE,**  
15 **YOU MAY BE SUBJECT TO THE PAYMENT OF COSTS INCURRED BY**  
16 **THE STATE BAR IN THE INVESTIGATION, HEARING AND REVIEW OF**  
17 **THIS MATTER PURSUANT TO BUSINESS AND PROFESSIONS CODE**  
18 **SECTION 6086.10. SEE RULE 280, RULES OF PROCEDURE OF THE**  
19 **STATE BAR OF CALIFORNIA.**

20 Respectfully submitted,

21 THE STATE BAR OF CALIFORNIA  
22 OFFICE OF THE CHIEF TRIAL COUNSEL

23 Dated: October 17, 2008

24 By: 

25 Robin Brune  
26 Deputy Trial Counsel

27 Treva Stewart  
28 Assigned Deputy Counsel

1                                    **DECLARATION OF SERVICE BY CERTIFIED MAIL**  
2                                    **RETURN RECEIPT REQUESTED - 7160 3901 9845 6046 8177**

3    **CASE NUMBER: 08-O-11900**

4    I, the undersigned, over the age of eighteen (18) years, whose business address and place of  
5    employment is the State Bar of California, 180 Howard Street, Seventh Floor, San Francisco,  
6    California 94105-1639, declare that I am not a party to the within action; that I am readily  
7    familiar with the State Bar of California's practice for collection and processing of  
8    correspondence for mailing with the United States Postal Service; that in the ordinary course of  
9    the State Bar of California's practice, correspondence collected and processed by the State Bar  
10   of California would be deposited with the United States Postal Service that same day; that I am  
11   aware that on motion of party served, service is presumed invalid if postal cancellation date or  
12   postage meter date is more than one day after date of deposit for mailing affidavit. That in  
13   accordance with the practice of the State Bar of California for collection and processing of  
14   mail, I deposited or placed for collection and mailing in the City and County of San Francisco,  
15   on the date shown below, a true copy of the within

16   **NOTICE OF DISCIPLINARY CHARGES**

17   in a sealed envelope placed for collection and mailing as certified mail, return receipt  
18   requested, **Article No.: 7160 3901 9845 6046 8177**, at San Francisco, on the date shown  
19   below, addressed to:

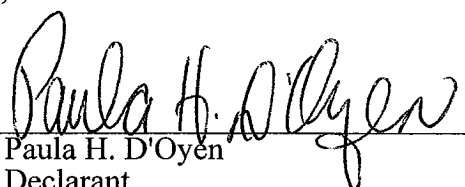
20   **Louis J. Perkins**  
21   **3353 Bradshaw Rd., #232**  
22   **Sacramento, CA 95827**

23   in an inter-office mail facility regularly maintained by the State Bar of California addressed to:

24   **N/A**

25   I declare under penalty of perjury under the laws of the State of California that the foregoing is  
26   true and correct. Executed at San Francisco, California, on the date shown below.

27   Dated: October 17, 2008

28   Signed: 

Paula H. D'Oyen  
Declarant